

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4396

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MARTIN, BARTLETT, D. JEFFRIES, AZINGER, CAMPBELL,
HOWELL, HARTMAN AND FAST

[Introduced January 17, 2020; Referred to the
Committee on Political Subdivisions then the
Judiciary.]

1 A BILL to amend and reenact §7-1-16 of the Code of West Virginia, 1931, as amended; and to
2 amend said code by adding thereto a new section, designated §8-1-9, all relating generally
3 to the Commission on Special Investigations and the State Auditor being informed of fraud
4 and misappropriations by county and municipal governments.

Be it enacted by the Legislature of West Virginia:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-16. Reporting of fraud and misappropriation of funds.

1 (a) Whenever a county commission, or any of a county's boards, committees, or any other
2 entities of any kind or nature authorized in this chapter, obtains information that an employee,
3 officer or member of the county commission, or any of a county's boards, committees, or any
4 other entities of any kind or nature authorized in this chapter may have misappropriated funds,
5 engaged in fraud, or otherwise violated a law relating to the public trust, the county commission,
6 or the county's board, committee, or other entity authorized in this chapter shall timely report ~~such~~
7 that information or allegation in writing to the county prosecutor's office, the Legislature's
8 Commission on Special Investigations and the State Auditor.

9 (b) The reporting of ~~such~~ the information under subsection (a) of this section ~~shall~~ does
10 not prevent, relieve or replace a report to a law-enforcement agency, if appropriate or warranted.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 1. PURPOSE AND SHORT TITLE; DEFINITIONS; GENERAL PROVISIONS; CONSTRUCTION.

§8-1-9. Reporting of fraud and misappropriations of funds.

1 Whenever a governing body for a municipality, or any of a municipality's boards,
2 committees, or any other entities of any kind or nature authorized in this chapter, obtains
3 information that an employee, officer, or member of the municipality, or any of a municipality's

- 4 boards, committees, or any other entities of any kind or nature authorized in this chapter may
5 have misappropriated funds, engaged in fraud, or otherwise violated a law relating to the public
6 trust, the governing body for a municipality, or the municipality's board, committee, or other entity
7 authorized in this chapter shall timely report that information or allegation in writing to the county
8 prosecutor's office, the Legislature's Commission on Special Investigations and the State Auditor.
9 (b) The reporting of the information under subsection (a) of this section does not prevent,
10 relieve or replace a report to a law-enforcement agency, if appropriate or warranted.

NOTE: The purpose of this bill is to add the Commission on Special Investigations and the State Auditor to the agencies that county and municipal governments must report suspected governmental fraud.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.